BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In The Matter Of	)	
Revision Of The Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102

REPLY COMMENTS OF THE ENTERPRISE COMMUNICATIONS ASSOCIATION

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The Enterprise Communications Association ("ECA") submits the following reply to comments[1] filed pursuant to the Commission's Public Notice, DA 04-3874, released December 10, 2004 ("*Public Notice*").

I. FEDERAL RULES ARE NEEDED

Most commenting parties agree with ECA that the states have not succeeded, and appear unlikely to succeed by themselves, in ensuring that appropriate E911 requirements apply nationwide. APCO Comments at 3; Avaya Comments at 6-10; NENA Comments at 2 ("It is far from obvious that the Commission's expectation states would 'act expeditiously in this area' . . . will be met"); RedSky Comments at 1-2; Texas

[1] Comments were filed February 28, 2005, by the Association of Public-Safety Communications Officials-International, Inc. ("APCO Comments"); Avaya Inc. ("Avaya Comments"); Enterprise Communications Association ("ECA Comments"); Metropolitan 911 Board of the Minneapolis/St. Paul metropolitan area ("Metro Board Comments"); National Emergency Number Association ("NENA Comments"); Qwest Corporation ("Qwest Comments"); RedSky Technologies, Inc. ("RedSky Comments"); the Texas Commission on State Emergency Communications and the Texas 9-1-1 Alliance ("Texas Commission/Alliance Comments"); and the Verizon telephone companies ("Verizon Comments").

Commission/Alliance at 6. Apart from the fact that most states have not yet adopted any form of E911 legislation applicable to MLTSs, much of the state legislation that exists is inconsistent with the NENA model legislation and imposes undue burdens on end users.[2] To address these deficiencies, FCC regulation – as well as preemption of inconsistent state regulation -- is necessary to ensure that E911 regulation is uniform and takes account of market realities. APCO Comments at 3 ("APCO firmly believes that the only way to achieve nationwide E9-1-1 capability for MLTS is through effective FCC regulation"); Avaya Comments at 13-15.

II. THE COMMISSION SHOULD REQUIRE LECS TO OFFER PRI SERVICES SUITABLE FOR E911 DATA TRANSMISSION

The Commission should implement E911 policy in a way that encourages the use of new technologies and services rather than perpetuating reliance on old, inefficient technology. *See* 47 U.S.C. §157(a). In its comments, ECA urged the Commission to require local exchange carriers ("LECs") to offer end users all E911 data transmission services for which there are generally accepted industry standards. ECA Comments at 10-11. In particular, it is critical that LECs make available to all MLTS operators subject to E911 requirements the more modern and efficient ISDN primary rate interface ("PRI") facilities, rather than compelling MLTS operators to utilize obsolescent and inefficient CAMA trunks.

Although Verizon opposes any FCC regulations applicable to LECs, even Verizon concedes that ISDN PRI facilities are far from universally available in its

[2] ECA Comments at 7-9. Avaya's comments raise an additional burden not discussed in detail by ECA. Most of the state laws appear to unreasonably require *instantaneous* updating of the ALI database by MLTS operators. Avaya Comments at 7-8. A more reasonable and feasible approach is that of Kentucky, which allows five days to complete the process. *Id.*

network.[3] Verizon states that PRI is available "in many locations," but concedes that CAMA trunks -- an older, inefficient technology -- are "more widely available" than PRI. Verizon Comments at 3 n. 6. Yet, Verizon opposes any requirement for broader implementation of PRI on the grounds that the more modern and efficient technology is "duplicative." *Id.* at 9.

Where public safety is at stake, efficient network solutions should not be rejected as "duplicative." No party disputes ECA's position (ECA Comments at 3-5) that implementing E911 access requires a significant commitment of resources by enterprise customers. Indeed, several parties recognize that the challenge that E911 implementation poses to MLTS operators has resulted in significant resistance to E911 legislation and the deployment of available E911 solutions. NENA Comments at 2; Verizon Comments at 4. Availability of relatively modern, efficient data transmission services such as PRI significantly eases the burden of implementing E911.[4] Limited availability of such services in LEC networks increases enterprise users' reluctance to implement E911. No enterprise user should be compelled to use the outmoded, inefficient CAMA technology when PRI technology is readily available for deployment.[5]

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[3] If this is a problem in Bell company networks, it is undoubtedly an even greater problem in non-Bell incumbent LEC networks.

[4] As noted in the NENA model legislation, "MLTS Operators will implement E9-1-1 support more willingly where they have a choice of technology and the newer more cost-effective technologies are available." NENA Technical Information Document on Model Legislation: Enhanced 9-1-1 for Multi-line Telephone Systems at 14 ("*Model Legislation*"), *cited in* Texas Commission/Alliance Comments at 8. As the Texas Commission/Alliance explains, PRI "is the connection method preferred by the 9-1-1 entities, where available and appropriate." *Id.* at 7.

[5] RedSky Technologies identifies a number of other issues with carrier offerings, some of which may necessitate FCC action. RedSky Comments at 6.

III. THE COMMISSION SHOULD NOT REGULATE MLTS DESIGN

In its comments, ECA urged the Commission to convene an advisory committee for the specific purpose of adopting standards for E911 implementation by *IP-enabled* MLTSs. ECA Comments at 11-14. On the other hand, there is no apparent need for the Commission to adopt E911 regulations governing manufacturers' design of *legacy* MLTSs. *Id.* at 10. The customer premises equipment ("CPE") market is far more competitive than the local exchange service market, and thus responds far more readily to changes in consumer demand.

A few parties appear to suggest that the FCC regulate the design of E911 equipment or software in MLTSs but they do not identify any specific deficiency in the legacy MLTSs currently offered by CPE manufacturers. For example, in a statement attached to NENA's comments, NENA Technical Issues Director Roger Hixson seems to say that there may be a need for federal E911 standards for design of legacy PBXs:

> The ability for PBXs to support E9-1-1 is relatively simple and inexpensive, if capability to do so is programmed into future PBX software. A major reason that the service capability is viewed as costly at present is due to the lack of consistent requirements and standards, making implementations dependent on outboard equipment and custom methods.

NENA Comments, Attachment, "MLTS/Private Switch E 9-1-1 Solution Summary." Based on Mr. Hixson's description of this capability, however, it is already provided by the current legacy PBX models offered by most manufacturers.[6]

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[6] By contrast, a portion of the installed base of MLTSs does not have E911 capability. Manufacturers, however, cannot compel end users to retrofit their MLTSs. Moreover, due to problems of compatibility and cost, end users are substantially less likely to be willing to retrofit existing systems with E911 capability than to purchase new systems that have the capability built in. While one party urges the FCC to adopt regulations applicable to existing systems (RedSky Comments at 4), ECA believes such requirements would impose an unreasonable burden on end users. The Commission will be more successful in overcoming the widely acknowledged end user reluctance to make the substantial resource commitments required to implement E911 solutions if it concentrates on crafting reasonable regulations that are prospective only.

Commendably, NENA recognizes that it has incomplete information and defers to other parties on whether the FCC should regulate MLTS design. NENA Comments at 3. In fact, MLTS manufacturers have already responded to the market demand for E911 solutions, which has increased as a result of the state legislation adopted to date. As noted by Verizon, MLTS manufacturers "have developed specific [MLTS] E-911 solutions, and the Commission properly has concluded that 'a variety of technologies and vendors exist currently that make E-911 compliance in the MLTS context quite feasible.'"[7]

Where legacy systems are concerned, the problem that needs to be addressed is not how to induce MLTS manufacturers to design E911 solutions in response to market demand; rather, it is how to induce MLTS operators and LECs to purchase and deploy technology that is already available. This is best accomplished, in ECA's view, by adopting federal requirements modeled on the NENA model legislation and applicable to MLTS operators and LECs.

IV. MLTS OPERATORS SHOULD NOT BE REQUIRED TO USE THE SAME NUMBER FOR BOTH LOCATION IDENTIFICATION AND CALLBACK

Some parties appear to take the position that MLTS operators should be required to utilize the same North American Numbering Plan ("NANP") number for both location identification and callback purposes. For example, Verizon states that "[m]ulti-line telephone system operators must provide direct inward dialing (DID) numbers for

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[7] Verizon Comments at 2, *citing Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340 (2003) ("*2003 Order*"). In addition, as Verizon notes, "[MLTS] manufacturers are developing and designing new multi-line telephone systems offering increasingly seamless E-911 compliance, including automated database functionalities." Verizon Comments at 5.

all station extensions to ensure that dummy numbers do not corrupt E-911 databases and to provide emergency personnel with an active callback number to permit follow-up with the 9-1-1 caller." Verizon Comments at 4 n. 7.

As discussed in ECA's comments, the NENA model legislation does not require the number used for location identification to do double duty as a callback number. ECA Comments at 7, *citing Model Legislation* § 1. It was the consensus of the working group that drafted the legislation (which included representatives of LECs) that it would be unreasonable and burdensome to require MLTS operators to use a single number for both location identification and callback.[8] In practice, such a requirement would compel most end users to subscribe to DID numbers for every one of their stations. Only by doing so could they ensure that the same number used to identify the station could also be used to call back that station.

This is an unreasonable burden to place on end users. Currently, a large percentage of PBX users do not subscribe to DID service for cost or other reasons. To reach a particular station behind these PBXs, the caller generally must dial an extension after dialing the business' main telephone number. To require all PBX users to subscribe to DID service would unduly burden the many end users that do not currently subscribe.[9]

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[8] In situations where it is not feasible to use the location identification number as a callback number, there are a number of alternatives. For example, a callback number or extension can be included as part of the information retrieved from the ALI data base. The *Model Legislation* also provides for "local notification," in which a 911 call is directed simultaneously to the public service answering point ("PSAP") and to a switchboard operator, attendant, or other designated personnel, who is able to identify the location of the 911 caller's telephone and also to answer callbacks. *Model Legislation* §§ 1, 3.

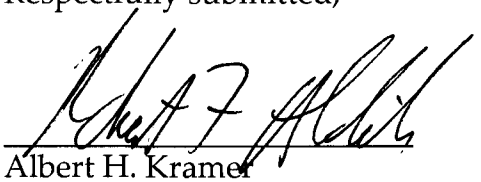
[9] A requirement to use the same number for both location identification and callback would be problematic for key systems as well. Key systems are frequently configured so that a single phone number is shared by more than one station and so that more than one phone number can reach a single station. Not all key system stations at a particular emergency response locations will share the same phone

Moreover, requiring all PBXs to subscribe to DID would cause a major increase in telephone number usage and greatly accelerate the pace of the exhaustion of numbering resources. Such a requirement, therefore, would generate an unnecessary conflict between the Commission's E911 policy and its number conservation policy requiring efficient use of numbering resources. *See generally Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000).

CONCLUSION

The Commission should adopt an order consistent with the foregoing reply comments.

Respectfully submitted,



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(Footnote Continued)
number(s), and some key stations that share the same phone number may be situated in different emergency response locations.

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2005, I caused a copy of the foregoing Reply Comments of the Enterprise Communications Association to be served by first class mail, to the following:

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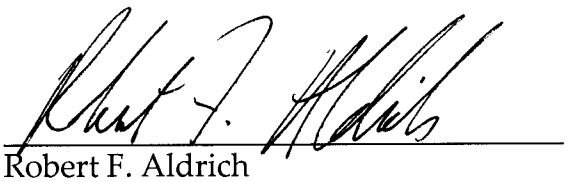

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